

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN RE:

**JACQUELYN MCFADDEN
AKA LATRICE MCFADDEN**

DEBTOR

**CASE NO: 05-83236
Chapter 7**

ORDER GRANTING RELIEF FROM AUTOMATIC STAY

This matter came on before the undersigned United States Bankruptcy Judge upon the Motion for Relief from Stay (the "Motion") filed by COUNTRYWIDE HOME LOANS, INC. (the "Creditor") to exercise its state law rights with respect to certain real property (the "Real Property") located at 6010 Millstone Drive, Durham, North Carolina and more fully described in the Motion. The Court having considered the Motion and the record in this case finds and concludes as follows:

1. The Creditor filed a motion on December 7, 2005.
2. The Clerk of the Bankruptcy Court mailed a notice to interested parties on December 9, 2005 that any objection to the Motion must be filed with the Court by December 20, 2005 and that if no objections were filed within that time period, the Court would consider the Motion without a hearing.
3. No objection to the Motion has been filed by any interested party, and the time within which objections must be filed as set forth in the Notice has expired.
4. Cause exists for modification of the automatic stay afforded by Section 362 of the Bankruptcy Code.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that the Motion is granted, and the automatic stay afforded by Section 362 is modified to allow the Creditor to exercise its state law rights with respect to the Real Property.

IT IS FURTHER ORDERED that Rule F.R.B.P. 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is waived and that the Creditor may immediately enforce and implement this Order.

IT IS FURTHER ORDERED that if a sale of the Real Property is held and excess proceeds are derived, then such proceeds shall be deposited with the Chapter 7 Trustee in this case.

PARTIES TO BE SERVED

Debtor:
Jacquelyn McFadden
6010 Millstone Drive
Durham, NC 27713

Sara A. Conti
Chapter 7 Trustee
P.O. Box 939
Carrboro, NC 27510

Michael D. West
Bankruptcy Court Administrator
P.O. Box 1828
Greensboro, NC 27402